

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. Rome

SEP 22 2003

LUTHER D. THOMAS, Clerk
By: *[Signature]* Deputy Clerk

IN RE:

TRI-STATE CREMATORY LITIGATION) MDL DOCKET NO. 1467
)
This relates to all actions.)
_____)

**NOTICE OF INTENTION TO TAKE
VIDEOTAPE ORAL DEPOSITION**

YOU ARE HEREBY NOTIFIED that, pursuant to the terms and provisions of Fed. R. Civ. P. 26, *et seq.*, on the 22nd day of September, 2003, Monday, commencing at 10:00 o'clock, a.m., in the offices of Carlock, Copeland, Semler & Stair, LLP, Atlanta, Georgia, 30303, before an officer duly authorized by law to administer oaths, the undersigned will proceed to take the videotape deposition of **David Kirkland**, for discovery, cross-examination, and all other purposes allowed by law.

Court reporting and videography services will be provided by Brown Reporting, 1740 Peachtree Street, N.E., Atlanta, Georgia 30309; telephone: 404.876.8979; 800.637.0293; facsimile: 404.876.1269.

The Deponent is further requested, pursuant to Fed. R. Civ. P. 30(b)(1), to produce at said deposition those documents and things listed as Exhibit "A" to this document directed to **David Kirkland**.

You are invited to attend and participate.

This 12th day of September, 2003.

BRINSON, ASKEW, BERRY, SEIGLER,
RICHARDSON & DAVIS, LLP

By: J. Anderson Davis / GJD (with permission)
J. Anderson Davis
Georgia Bar No. 211077
Lead and Liaison Counsel for Defendant
Funeral Homes

The Omberg House
615 West First Street
Post Office Box 5513
Rome, Georgia 30162-5513
Telephone: 706.291.8853
Facsimile: 706.234.3574

[signatures continued on next page]

By: Asha F. Jackson

Mary Katherine Greene

Georgia Bar No. 661679

Asha F. Jackson

Georgia Bar No. 637679

Counsel for Franklin Strickland Funeral
Home

Carlock, Copeland, Semler &
Stair, LLP

285 Peachtree Center Avenue

2600 Marquis Two Tower

Atlanta, Georgia 30303-1235

Telephone: 404.522-8220

Facsimile: 404.523.2345

Exhibit "A"

1. Any and all documents you reviewed in preparation for your deposition or in formulating any statements or opinions associated with this litigation.
2. Any photographs you reviewed in preparation for your deposition or in formulating any statements or opinions in association with this litigation.
3. Any medical records or reports you reviewed in preparation for your deposition or in formulating any statements or opinions in association with this litigation.
4. Any transcripts of depositions you reviewed in preparation for your deposition or in formulating any statements or opinions in association with this litigation.
5. Any statements or affidavits you reviewed in preparation for your deposition or in formulating any statements or opinions in association with this litigation.
6. Any responses to interrogatories you reviewed in preparation for your deposition or in formulating any statements or opinions in association with this litigation.
7. Any writings of any type you reviewed in preparation for your deposition or in formulating any statements or opinions in association with this litigation.
8. Summaries of any depositions you reviewed.
9. Videotapes you have reviewed with regard to Tri-State or related to Tri-State Crematory.
10. Audiotapes, recordings, statements or affidavits you have given to anyone regarding Tri-State Crematory.
11. Copies of e-mails or statements from Plaintiffs, Plaintiff's counsel, experts, or other witnesses.

12. Copies of letters, correspondence, or memos from Plaintiffs, Plaintiff's counsel, experts, whether testifying or consulting or other witnesses .
13. Any and all photographs, sketches, diagrams or images of the area of Tri-State Crematory prior to February 14, 2002.

CERTIFICATE OF SERVICE

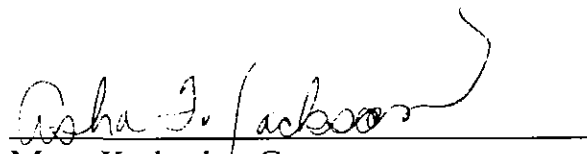
I hereby certify that I have this day served a copy of the within and foregoing **Notice of Intention to Take Videotape Oral Deposition of David Kirkland**, upon all parties to this matter by forwarding a true copy of same via U.S. Mail, proper postage prepaid, addressed to the parties and/or counsel of record in accordance with the attached service list.

Robert H. Smalley, III, Esq.
McCamy, Phillips, Tuggle & Fordham
PO Box 1105
Dalton, GA 30722-1105

McCracken Poston, Esq.
PO Box 988
Ringgold, GA 30736-0988

Frank E. Jenkins, III
Jenkins & Olson, P.C.
15 South Public Square
Cartersville, GA 30120-3350

This 12th day of September, 2003.



Mary Katherine Greene
Georgia Bar No. 661679
Asha F. Jackson
Georgia Bar No. 637679

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LUTHER D. THOMAS, Clerk
By: *[Signature]* Deputy Clerk

IN RE: TRI-STATE)
CREMATORY LITIGATION)
)
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MDL DOCKET NO.
1467

This relates to all actions.

CERTIFICATE OF SERVICE PURSUANT TO RULE 26.4

Pursuant to Rule 26, Fed. R. Civ. P., this is to certify that I have this date served a true and correct copy of the following **Notice of Intention to Take Videotape Oral Deposition of David Kirkland** upon all parties to this matter by depositing a true copy of same in the U. S. Mail, proper postage prepaid, addressed to counsel of record in accordance with the attached service list.

Robert H. Smalley, III, Esq.
McCamy, Phillips, Tuggle & Fordham
Post Office Box 1105
Dalton, GA 30722-1105

McCracken Poston, Esq.
Post Office Box 988
Ringgold, GA 30736-0988

Frank E. Jenkins, III
Jenkins & Olson, P.C.
15 Public Square
Cartersville, GA 30120

This 12th day of September 2003.

BRINSON, ASKEW, BERRY, SEIGLER,
RICHARDSON & DAVIS, LLP

By: J. Andy Davis (with permission)
J. Anderson Davis
Georgia Bar No. 211077
Lead and Liaison Counsel for Defendant
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